

not only took the house during the term, and everything that was affixed to the freehold, but likewise the tenant's right to remove the fixtures at the end of the term. The case throughout assumes an uncontroverted position, that the articles in question were parcel of the freehold during the term, the tenant, however, having the right, during its continuance or at its end, to remove them, and by the assignment to the mortgagee, the tenant's interest in the realty, and everything affixed thereto, together with the right of removal, passed. This is the opinion of Parker, B., and Alderson, B., the latter saying, "this question turns on the nature of the property; it is clear that nothing of a freehold nature is within the meaning of the clause in the bankrupt act as to order and disposition."

In the case of *Hallen vs. Runder*, the property in dispute likewise consisted of fixtures put up by a tenant, and nothing more is decided than that upon an agreement between landlord and tenant, that the latter would not remove them at the expiration of his tenancy, "the former agreeing to take them at a valuation; the tenant, though he could not recover the price as for goods sold and delivered, might recover as for fixtures bargained and sold."

But the case which seems most strongly to support the judgment of the Court in *Trappes vs. Harter*, and to prove that the conclusion arrived at in that case, whatever may be said of a portion of the argument of the Chancellor, has not been weakened by the subsequent cases, is the case of *Hellawell vs. Eastwood*, 3 *Eng. Rep. in Law & Equity*, 562. The question in this last case was, whether cotton-spinning machines which were fixed by means of screws, some into the wooden floor, and some into lead which had been poured in a melted state into holes in the stone for the purpose of receiving the screws, were by law distrainable for the rent of the mill, in which they were fixed, and this depended entirely upon whether they were part of the freehold or not. If they were, they could not be distrained, for what is a part of the freehold cannot be severed from it without detriment to the thing itself in the removal, and besides, what is fixed to the freehold is part